

GENERAL ORDERS,

}

No. 107.

WAR DEPARTMENT,

ADJUTANT GENERAL'S OFFICE,

Washington, August 15, 1862.

I.. Officers of the regular army will, as a general rule, receive leaves of absence to accept the rank of Colonel in volunteer regiments, but not lower grades. Non-commissioned officers and privates will be discharged on receiving commissions in volunteer regiments.

II.. The oath of allegiance will not be administered to any person against his own will; it must in all cases be a voluntary act on his part. Nor will any compulsory parole of honor be received. But oaths taken, and paroles given, to avoid arrest, detention, imprisonment, or expulsion, are voluntary or free acts, and cannot be regarded as compulsory. All persons guilty of violating such oaths or paroles will be punished according to the laws and usages of war.

III.. The laws of the United States and the general laws of war, authorize, in certain cases, the seizure and conversion of private property for the subsistence transportation, and other uses of the army; but this must be distinguished from pillage; and the taking of property for *public* purposes is very different from its conversion to *private* uses. All property lawfully taken from the enemy, or from the inhabitants of an enemy's country, instantly becomes *public* property, and must be used and accounted for as such. The 52d Article of War authorizes the penalty of death for pillage or plundering, and other articles authorize severe punishments for any officer or soldier who shall sell, embezzle, misapply, or waste military stores, or who shall permit the waste or misapplication of any such public property. The penalty is the same whether the offence be committed in our own or in an enemy's territory.

IV.. All property, public or private, taken from alleged enemies, must be inventoried and duly accounted for. If the property taken be claimed as private, receipts must be given to such claimants or their agents. Officers will be held strictly accountable for all property taken by them or by their authority, and it must be returned for, the same as any other public property.

V.. Where foraging parties are sent out for provisions or other stores, the commanding officer of such party will be held accountable for the

conduct of his command, and will make a true report of all property taken.

**VI.** No officer or soldier will, without authority, leave his colors or ranks, to take private property, or to enter a private house for that purpose. All such acts are punishable with death, and an officer who permits them is equally as guilty as the actual pillager.

**VII.** Commanding officers of armies and corps will be held responsible for the execution of these orders in their respective commands.

**BY COMMAND OF MAJOR GENERAL HALLECK,**

*General-in-chief of the Army:*

**E. D. TOWNSEND,**

*Assistant Adjutant General.*